

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ROBERT JOSEPH WESSON,	:	
	:	Civil Action No. 08-3204 (NLH)
Plaintiff,	:	
	:	
v.	:	ORDER
	:	
ATLANTIC COUNTY JUSTICE	:	
FACILITY, et al.,	:	
	:	
Defendants.	:	CLOSED

For the reasons expressed in the Opinion filed herewith,

IT IS on this 26th day of November, 2008,

ORDERED that Plaintiff's application to proceed in forma pauperis is hereby granted pursuant to 28 U.S.C. § 1915(a) and (b); and it is further

ORDERED that the Clerk of the Court shall file the Complaint without prepayment of fees or security; and it is further

ORDERED that the Clerk of the Court shall correct the Docket to reflect that the Warden of Atlantic County Justice Facility is an additional named Defendant; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b), the Clerk shall serve a copy of this Order by regular mail upon the Attorney General of the State of New Jersey and the warden of Atlantic County Justice Facility; and it is further

ORDERED that all claims against Atlantic County Justice Facility and the Department of Corrections of New Jersey are

DISMISSED WITH PREJUDICE for failure to state a claim; and it is further

ORDERED that all claims against the Warden of Atlantic County Justice Facility are DISMISSED WITHOUT PREJUDICE for failure to state a claim; and it is further

ORDERED that within 30 days after entry of this Order, Plaintiff may file a motion to re-open and for leave to file an amended complaint, attaching to any such motion a proposed amended complaint addressing the deficiencies of the Complaint as described in the Opinion filed herewith; and it is further

ORDERED that any such proposed amended complaint must comply with the pleading rules set forth in the Federal Rules of Civil Procedure; and it is further

ORDERED that this dismissal shall count as a "strike" for purposes of 28 U.S.C. § 1915(g); and it is further


ORDERED that Plaintiff is assessed a filing fee of \$350.00 which shall be deducted from Plaintiff's institutional account pursuant to 28 U.S.C. § 1915(b)(2) in the manner set forth below, regardless of the outcome of the litigation; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b)(2), until the \$350.00 fee is paid, each month that the amount in Plaintiff's prison account exceeds \$10.00, the agency having custody of Plaintiff shall assess, deduct from his institutional account, and forward to the Clerk payments equal to 20% of the preceding

month's income credited to Plaintiff's institutional account, with each payment referencing the civil docket number of this action; and it is further

ORDERED that the Clerk of the Court shall close the Court's file in this matter.

At Camden, New Jersey



Noel L. Hillman
United States District Judge